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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,920	06/25/2001	Johannes Hendrik Fehrsen	0182.00002	7902

7590 03/23/2005

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EXAMINER

GRAHAM, GARY K

ART UNIT PAPER NUMBER

1744

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/806,920

Applicant(s)

FEHRSEN, JOHANNES HENDRIK

Examiner

Gary K Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kohler (US patent 3,995,347).

The patent to Kohler discloses the invention, a windscreen wiper, as is claimed. Note figures 2, 3 and 4c which show a unitary, elongate, curved beam (2") and a rubber blade (22") mounted to the beam. The blade has a top side (upper surface of base 22b") that abuts against a bottom side of the flange (23) of beam which faces towards the windscreen. The beam has a varying thickness and a "protective end formation" (7) at each end thereof. The formation projects beyond and is spaced from an end portion of the rubber blade (fig.3).

With respect to claim 1, attention is directed to the embodiment of figure 4c. In such embodiment, the spring bar (9") is of a lesser width than the width of the base portion (22b") of the blade (22"). As such, a flange (23) is provided in the beam to hold such spring bar. This flange defines part of the bottom side of the beam facing the windscreen. The blade abuts such flange.

With respect to claims 3 and 4, note that the end formation does appear as “folded” over such that it is folded back on itself. Note that the particular method of forming the end formation is not of significance in product claims as long as the resultant product is the same.

With respect to claim 7, it appears the beam has a greater curvature in the center thereof.

With respect to claim 8, note that any surface the blade contacts can be considered as a bottom side of the beam.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohler (US patent 3,995,347) in view of Tilli (US patent 3,881,213).

The patent to Kohler discloses the invention, a windscreen wiper, substantially as claimed (note the figure 4b embodiment), including a unitary, elongate, curved beam (2') and a rubber blade (22') mounted to the beam. The blade has a top side (upper surface of base 22b') that abuts against a spring plate (9') held in the beam. The beam has a varying thickness and a

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“protective end formation” (7) at each end thereof. The formation projects beyond and is spaced from an end portion of the rubber blade (fig.3).

The patent to Kohler discloses all of the above recited subject matter with the exception of the top side of the blade abutting a bottom side of the beam.

The patent to Tilli discloses a windscreen wiper that includes a tapered, curved unitary beam (1) in which is mounted a rubber blade (6). A top side of the rubber blade abuts a bottom side of the beam which faces toward the windscreen. The beam is formed of a single piece of elastic, flexible plastic material. Thus, Tilli clearly suggests that unitary supporting beams can be made of plastics that do not have spring plates therein.

It would have been obvious to one of skill in the art to eliminate or remove the spring plate of Kohler, as clearly suggested by Tilli, to reduce the number of components the wiper is made of. Such would reduce production costs. Such a removal of the spring plate would provide the top side of the rubber blade abutting against the bottom side of the beam facing the windscreen.

Response to Arguments

Applicant's arguments filed 07 January 2005 have been fully considered but they are not persuasive.

Applicant's main argument is that the top side of the rubber blade of Kohler does not abut against the bottom side of the beam. Such is not persuasive. As set forth above, in the figure 4c embodiment of Kohler, it appears the blade abuts against a lower or bottom surface of the flange (23) that overhangs the base portion (22b"). While applicant's statement that each embodiment of Kohler discloses a spring bar between the underside of the yoke (2) and the wiper blade (22), it appears the figure 4c embodiment provides for the flange (23) with a bottom surface abutting a top side of the rubber blade. Additionally, as set forth above, it would have been obvious to remove the spring plate, as suggested by Tilli, thus establishing the top side of the rubber blade in full contact with the bottom side of the beam.

While applicant argues that claims 2-4 and 6-8 depend from claim 1, such does not appear accurate. Claim 4 appears as an independent claim. The rejection of claim 4 by Kohler still appears proper and is maintained.

Conclusion

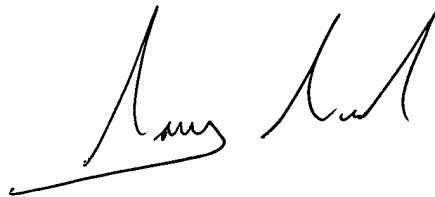
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Gary K. Graham', with a stylized, cursive script.

Gary K Graham
Primary Examiner
Art Unit 1744

GKG
18 March 2004